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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,333	12/11/2001	Kenji Aoki	0671.66008	1506
24978	7590	12/16/2003		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606				
			EXAMINER MILLER, BRIAN E	
			ART UNIT 2652	PAPER NUMBER 7

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,333

Applicant(s)

AOKI, KENJI

Examiner

Brian E. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,11,12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-4, 6-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claims 1, 3-12, 14-15 are now pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 11-12, 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lakshmikumaran et al (US. 6,282,055). Lakshmikumaran et al discloses a head for writing/reading to/from a magnetic tape, as shown at least in FIGs. 1-3, including: (as per claims 1 & 12) a first elongated chip assembly 12 fixedly adhered to a second elongated chip assembly 16 (via chip assembly 14); a tape running surface 34 formed in a longitudinal direction of the first and second chip assemblies; a read/write gap line 18 for supporting a read/write element extending longitudinally along the tape running surface on each of the first and second chip assemblies; at least one groove 20 formed on each side of the read/write gap line on each of the first and second chip assemblies and extending substantially parallel to the read/write gap line (see FIG. 3); wherein each of the grooves have a width which is greater than a width of a wall *portion*, i.e., the wall *portion* between gap 18 and edge 24); (as per claim 5) wherein each of the first 14 (note change) and second chip assemblies (12-note change or 16) includes a first block having a substantially planar first surface and a second block having first and second surfaces,

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the first surface of the first block being attached to the first surface of the second block, the second surface of the second block of the first chip assembly is adhered to the second surface of the second block of the second chip assembly (the actual surfaces of the respective blocks are unnumbered, however, it is apparent from FIG. 2); (as per claim 14) the tape running surface of the chip assembly curves in a direction transverse to the longitudinal direction (see col. 2, lines 45-47); (as per claims 11 & 15) at least one groove 20 formed on a first side of each read/write gap line and two grooves 20, 38 formed on a second side of each read/write gap line.

Allowable Subject Matter

3. Claims 3-4, 6-10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 9/15/03 have been fully considered but they are not persuasive.

A...Applicant asserts that "the Lakshmikumaran et al. reference fails to disclose (or suggest) a head 'wherein each of said grooves has a width which is greater than or equal to a width of a wall portion separating said grooves on both sides of each said read/write gap line, and a depth which is greater than or equal to said width of said grooves.'"

In response, the Examiner maintains that Lakshmikumaran does indeed show such a relationship, in so far as the claims set forth this limitation particularly. The claims merely recite a "wall

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portion” (emphasis added by Examiner), such that a *portion* of the wall does not necessarily include the *entire* wall, as applicant is arguing. The Examiner specifically emphasized this word in the rejection to make this interpretation clear, however, the amendment does not modify the claims accordingly.

B...Applicant further contends that “Lakshmikumaran et al. does not disclose or suggest the phenomenon that, when the dimensions “d”, “w” and “g” have the specific relationship of the present invention, there is significant influence on the amount of tape floating when the magnetic tape is traveling at a high rate of speed.”

In response, the Examiner notes that the above features, which applicant relies upon, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



Brian E. Miller
Primary Examiner
Art Unit 2652

bem
December 12, 2003